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9 *99 CENTS ONLY STORES LLC*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 CHERYL D. WESLEY, an Individual,

13 Plaintiff,

14 v.

15 99 CENTS ONLY STORES LLC, a Foreign
16 Limited-Liability Company; ROE
17 MAINTENANCE COMPANIES 1-10; ROE
18 CLEANING COMPANIES 1-10; DOE
19 INDIVIDUALS 1-10; DOE EMPLOYEES 1-
10; and ROE BUSINESS ENTITIES 1-20,
inclusive,

20 Defendants.

CASE NO.: 2:20-cv-1574-JCM-BNW

STIPULATION AND ORDER FOR
EXTENSION/MODIFICATION OF
DISCOVERY PLAN AND
SCHEDULING ORDER
(THIRD REQUEST)

21
22 Plaintiff, CHERYL D. WESLEY, and Defendant, 99 CENTS STORE ONLY, LLC, by and through
23 their undersigned counsel, submit to the Court the following Stipulation and Order for
24 Extension/Modification of the Discovery Plan and Scheduling Order (Document #17) pursuant to LR 26-3.

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1 **I. Local Rule 6-1**

2 Under LR IA 6-1(a) every motion to extend time must inform the court of any previous extensions
3 granted and state the reason for the extension requested.
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5 **A. The Requirement of Local Rule 26-3 Is Satisfied**

6 This is the third request for extension filed by the parties. Local Rule 26-3 requires that extensions
7 must be received by the court no later than 21 days prior to any deadline. The current initial expert deadline
8 is July 6, 2021. Therefore, the parties are requesting this extension no later than than 21 days prior to the
9 expiration of the deadline.
10

11 **II. Local Rule 26-3(a)**

12 Under LR 26-3(a) a statement specifying the Discovery completed:

13 Both Plaintiff and Defendant have exchanged their initial documents and witness disclosures.
14 Defendant served their initial disclosures on September 18, 2020. Plaintiff served her initial disclosures on
15 September 18, 2020.
16

17 Defendant served discovery requests upon Plaintiff on September 18, 2020 in the form of Request
18 for Admissions, Request for Production of Documents, and Interrogatories. Plaintiff's responses to
19 Defendant's written discovery were received on October 19, 2020.
20

21 The deposition of Plaintiff Wesley was completed on November 16, 2020.

22 Defendant has issued requests for Plaintiff Wesley's medical records from the medical providers.

23 Defendant responded to Plaintiff's Requests for Production of Documents on November 13, 2020.

24 Defendant supplemented its rule 26.1 disclosures seven times.

25 Defendant has provided records to its experts.

26 Plaintiff has supplemented her rule 26.1 disclosure one time.
27

28 The deposition of Defendant's rule 30(b)(6) witness was completed on April 2, 2021.

1 **III. Local Rule 26-3(b)**

2 Under LR 26-3(b) a specific description of the Discovery that remains to be completed:

3 Initial and rebuttal expert disclosures, initial and rebuttal experts' depositions, depositions of
4 Defendant's witness(es) and employees, depositions of percipient witnesses, and depositions of Plaintiff's
5 treating providers. The parties may also agree to complete further discovery derived from the discovery
6 listed above.
7

8 **IV. Local Rule 26-3(c)**

9 Under LR 26-3(c) the reasons why Discovery remaining was not completed within the time limits
10 set by the Discovery Plan:
11

12 The parties request an additional 60 days to make expert disclosures. The parties have agreed to a
13 rule 35 examination of Plaintiff by Dr. Reynold Rimoldi which is currently scheduled for June 28, 2021.
14 Additionally, the parties need to obtain Plaintiff's imaging and provide them to the medical experts.
15

16 **V. Local Rule 26-3(d)**

17 The parties agree and jointly request an extension of 60 days for the discovery deadlines; Under LR
18 26-3(d) a proposed schedule for completing all remains Discovery:

19 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from September 3, 2021 to
20 a Discovery cutoff date of November 2, 2021;

21 (ii) Expert witness disclosures from July 6, 2021 to a new date of September 3, 2021;

22 (iii) Rebuttal expert witness disclosures from August 6, 2021 to October 5, 2021;

23 (iv) Submittal of Dispositive Motions from October 6, 2021 to December 3, 2021; and

24 (v) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be extended
25 from November 3, 2021 to December 30, 2021.
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1 Therefore, good cause existing, counsel jointly request that this Honorable Court allow the above
2 proposed extended Discovery dates.

3 DATED this 15th day of June, 2021.

DATED this 15th day of June, 2021.

4 **MAINOR WIRTH, LLP**

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15 **ORDER**

16 **IT IS SO ORDERED**

17 Dated June 21, 2021.

18 

19 UNITED STATES MAGISTRATE JUDGE